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10/777,004	02/10/2004	Alfred Thomas	47079-00236USPT	3402

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EXAMINER

HALL, ARTHUR O

ART UNIT	PAPER NUMBER
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3709

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,004

Applicant(s)

THOMAS, ALFRED

Examiner

Arthur O. Hall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/29/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/10/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/10/2004 has been acknowledged by the examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "65a-65d" described on page 9 and "70a-70d" described on page 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37

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CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Objections

Claims 1 and 42 are objected to because of the following informalities: Examiner suggests that applicant add a conjunctive term "and" between the input device and the at least one display since these features are the two main features of the gaming terminal being claimed. All other features are further limitations to those two features including all limitations recited as part of the "wherein" clause. Thus, Examiner also suggests that applicant remove the conjunctive term "and" as recited in the original disclosure before the "wherein" clause. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-14, 16-18, 25, 27, 30-33, 36-44, 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (US Patent 6,146,273). Figures are described with reference characters where necessary for clarity.

Regarding claim 1,

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a gaming terminal capable for playing a basic wagering game and being a member of a plurality of linked gaming terminals (column 5, lines 1-9 and Fig. 1, 2, 3, 4 and 5, Olsen), comprises:

an input device for receiving inputs from a player during said basic wagering game, said inputs including a wager input (column 5, lines 7-15, Olsen; a gaming machine is adapted to receive unit bets via card or ticket in devices inherently provide in order to receive the bets or wagers); and

at least one display displaying a randomly selected outcome from a plurality of outcomes of said wagering game in response to receiving said wager input from said player (column 5, lines 16-22, lines 39-52 and lines 62-67 and column 16, line 65 to column 17, line 5, Olsen; jackpot information or values or outcomes are randomly generated based on a players wager), said plurality of outcomes including a plurality of winning outcomes (column 5, lines 16-22, Olsen), said at least one display further displaying a pay table with said plurality of winning outcomes and a corresponding payout amount for each of said plurality of winning outcomes (column 5, lines 16-22, column 6, lines 50-53, column 16, line 65 to column 17, line 5, column 27, line 63 to column 28, line 29 and Fig. 16, 1600, 1602 and 1604, Olsen; percentages or outcomes are mapped to corresponding payout amounts in which the winning outcomes are displayed based on a pay table results);

wherein said pay table is continuously updated in response to portions of said wager input being incrementally added to more than one of said payout amounts (column 2, lines 19-25, column 6, line 55 to column 7, line 3, column 7, lines 26-49, column 17, lines 18-27, column 28, lines 30-54, column 29, lines 11-20, Fig. 2, 212, 214, and 220 and Fig. 16, 1600, 1602 and 1604, Olsen; the pay table is made continuously available based on wagers received that increment the credit meter values between a high and low limits).

Regarding claim 42, the scope of the claim is substantially the same as claim 1 above with the only differences being that claim 42 is an apparatus claim and claim 1 is

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a process claim and that a first group of said plurality of winning outcomes is continuously updated in response to portions of wager inputs received at a first collection of said plurality of linked gaming terminals (column 17, lines 18-46 and Fig. 2, 240, Olsen; outcomes or percentages that result in outcomes map to progressive payout amounts that are continuously made available and grouped based on the contribution collected from the players), and a second group of said plurality of winning outcomes is continuously updated in response to portions of wager inputs received from a second collection of said plurality of linked gaming terminals (column 17, lines 18-46, Olsen; outcomes or percentages that result in outcomes map to progressive payout amounts that are continuously made available and grouped based on the contribution collected from the players).

Regarding claims 10 and 11, the scope of the claims is substantially the same as claim 1 above with the only differences being that claim 1 is an apparatus claim and claims 10 and 11 are process claims and that the process further awards the payout amount associated with one of the plurality of winning outcomes in response to a randomly selected outcome in said basic wagering game being said one of said plurality of winning outcomes (column 28, line 55 to column 29, line 11, Olsen; a jackpot award is provided based on the payout table that is associated with payout percentages or outcomes that are randomly selected).

Regarding claim 16, the scope of the claim is substantially the same as claim 1 above with the only differences being that claim 16 is an apparatus claim for a gaming

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system and claim 1 is an apparatus claim for a gaming terminal and that the system includes a plurality of a plurality of the gaming terminals for playing a basic wagering game (column 5, lines 39-52 and column 6, lines 26-30, Olsen) and a controller coupled to each of said plurality of gaming terminals and receiving wager-input signals from said plurality of gaming terminals (column 5, lines 39-52 and column 6, lines 26-30, Olsen).

Regarding claim 36, the scope of the claim is substantially the same as claim 16 above with the only differences being that claim 16 apparatus claim for a gaming system and claim 36 is a process claim for performing the functions of the gaming system and that payout amounts associated with each of said plurality of winning outcomes are increased in response to a first player not achieving one of said plurality of winning outcomes in one of said sessions (column 28, lines 30-54 and column 29, lines 28-38, Olsen; bonus jackpot amounts are continually shown based on the outcome or null award being provided) or in response to a second player achieving one of said plurality of winning outcomes in another of said sessions (column 28, line 55 to column 29, line 20 and column 29, lines 38-47, Olsen; the credit meter is incremented based on the player receiving a jackpot) and a payout amount that is associated with said one of said plurality of winning outcomes is awarded to said second player in response to a second player achieving one of said plurality of winning outcomes in another of said sessions (column 28, line 55 to column 29, line 11 and column 29, lines 38-47, Olsen).

Regarding claims 2 and 43, the at least one display includes two displays, one of said two displays displaying said pay table, the other of said two displays displaying

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said randomly selected outcome (column 5, lines 7-22, lines 40-52 and lines 62-67 and column 27, line 63 to column 28, line 29 and Fig. 1, 13A-13D and 2A-2D, Olsen; jackpot values or pay table values are displayed on meters and winning outcomes or outcomes are displayed on reels).

Regarding claims 3 and 12, the pay table is updated after each session of said basic wagering game; or in other words, the payout amounts are continuously updated and the updated payout amounts are displayed (column 6, line 55 to column 7, line 3, Olsen).

Regarding claim 4, the plurality of outcomes includes a start-bonus outcome, said at least one display displaying a bonus game in response to said start-bonus outcome being achieved (column 8, lines 35-53, Olsen; bonus mode activation trigger is disclosed).

Regarding claim 5, the bonus game allows for a second chance to achieve one of said plurality of winning outcomes (column 8, lines 35-53, Olsen; a new bonus mode time period starts allowing another chance for a bonus jackpot).

Regarding claims 6, 13, 17, 32, 40 and 49, the gaming terminal is linked with other gaming terminals competing for said plurality of winning outcomes, and the pay table is updated on a real-time basis, or in other words, the continuously updating and displaying of payout amounts are on a real-time basis, or in other words, the update pay-table signals are sent on a real-time basis, or in other words, the first and second groups of plural outcomes are updated on a real-time basis (column 5, lines 39-52, column 17, lines 18-27 and Fig. 1, 2-5, Olsen; linked gaming machines provide the player a chance to win a jackpot value based on outcomes that are continually updated or available, which is inherently on a real-time basis).

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Regarding claim 7, the at least one display displays the time at which said plurality of winning outcomes have been most recently achieved (column 24, lines 30-39, Olsen).

Regarding claim 9, the basic wagering game is a slot machine and said plurality winning outcomes are various symbol combinations achievable on reels of said slot machine (column 5, lines 1-15, Olsen).

Regarding claim 14, the basic wagering game includes winning outcomes that are not increased by a portion of said wagering input (column 14, lines 37-55, Olsen; unit bets can be wagered on ineligible machines, but are not sensed so as to increment bonus mode values).

Regarding claims 18, 33 and 41, the update pay-table signals are sent on a periodic basis, or in other words, the continuously updating and displaying are performed at each of the plurality of gaming terminals or at least one gaming terminal after one or each of the sessions (column 6, lines 43-50 and column 7, lines 50-60, Olsen; the random number generator selects bonus mode values for each bonus mode time period).

Regarding claim 27, some of the plurality of sessions occur sequentially at one of the plurality of gaming terminals (column 7, line 66 to column 8, line 10, Olsen; eligible players play game sessions one after another at a gaming machine since other eligible players obtain unexpected notice of players at a gaming machine when they sign on).

Regarding claim 30, displaying the payout amounts associated with each of the plurality of winning outcomes on the plurality of gaming terminals or at least one gaming terminal is disclosed (column 28, line 56 to column 29, line 11, Olsen).

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Regarding claim 31, the continuously updating said payout amounts and displaying said updated payout amounts on said plurality of gaming terminals or at least one gaming terminal is disclosed (column 17, lines 18-27 and column 28, line 56 to column 29, line 11, Olsen).

Regarding claim 37, the sessions are conducted at a plurality of gaming terminals (column 9, lines 16-36, Olsen; players play in game sessions at eligible machines for winnings or ineligible machines for play only).

Regarding claim 44, the first group and the second group include different numbers of said winning outcomes (column 17, lines 28-46, Olsen; plural groups have winning outcomes distributed in a pay table that vary based on frequency of occurrence).

Regarding claim 47, the gaming terminal is a member of a bank of adjacent gaming terminals, said first collection including only said bank of adjacent gaming terminals (column 27, lines 47-62 and Fig. 16, G, Olsen).

Regarding claim 48, a third group of said plurality of winning outcomes is continuously updated in response to portions of wager inputs received from a third collection of said plurality of linked gaming terminals (column 17, lines 18-46, Olsen; a plurality of groups of winning outcomes based on a frequency of occurrence of percentages that map to payouts in a pay table are made continually available to the player).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8, 15, 19-24, 26, 28-29, 34-35 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Xidos et al. (US Patent 5,851,149; hereinafter Xidos). Figures are described with reference characters where necessary for clarity.

Olsen substantially teaches features of the claimed invention as described above.

However, Olsen does not substantially teach the player identification features as claimed: Therefore, attention is directed to Xidos, which teaches

Regarding claims 8, 15, 24 and 26, the input device or plurality of gaming terminals further receive player-identification information that is transmitted to said controller, the controller allowing the basic wagering game with the continuously updated pay table to be operable or conducted by a player in response to said player-identification information meeting certain criteria, or in other words, receiving player-

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identification information, the conducting, apportioning, and also awarding only occurring in response to said player-identification information meeting certain criteria is disclosed (column 5, lines 26-43, column 12, lines 52-67 and Fig. 1, 16, Xidos; a player's credit card including player identification is required to authorize playing a base game from any of the plural gaming machines).

Xidos suggests that a gaming system that integrates linked plural gaming devices into distributed sites over a wide area network that can identify player's having player identification will remove the limitation of gaming systems having to function only within local area networks (column 1, lines 11-30, Xidos).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Olsen in view of the teachings of Xidos for the purpose of providing the gaming device of Olsen having credit or ticket in features for credit play that are interchangeable with or upgradeable to the player identification features of Xidos in order to expand gaming systems from local area networks only to broader wide area networks that allowing player identification from remote, distributed gaming devices.

Regarding claim 19 and 29, the plurality of gaming terminals are a bank of terminals located within one gaming establishment and the controller is located within said gaming establishment, or in other words, the apportioning is accomplished by a controller located within the gaming establishment (column 4, lines 17-52, column 8, line 64 to column 9, line 20 and Fig. 1, 12 and 18, Xidos; a bank or group of plural gaming terminals or top boxes are distributed throughout a hotel establishment having a server or controller also located within the hotel establishment).

Regarding claim 20 and 28, the plurality of gaming terminals are located in one gaming establishment and said controller is located remotely from said gaming establishment, or in other words, the apportioning is accomplished by a controller located remotely from said plurality of gaming terminals (column 4, lines 17-52, column 9, lines 22-34 and column 10, lines 35-42, Xidos; a bank or group of plural gaming terminals or top boxes are distributed throughout a hotel establishment and a server or controller via a wide area network is located remote within a different hotel establishment).

Regarding claim 21, the plurality of gaming terminals are located in different gaming establishments (column 9, lines 22-34 and column 10, lines 35-42, Xidos; plural linked gaming terminals or top boxes are distributed throughout a number of hotel establishments and communicate within a gaming system over a wide area network).

Regarding claim 22 and 34, the controller allocates the portions of the wager inputs only to selected ones of the plurality of winning outcomes, or in other words, the apportioning of the wager inputs is for only selected ones of the plurality of winning outcomes (column 15, lines 28-56, Xidos; eligibility of the player for at least one jackpot is determined by the random generation of jackpot numbers by the system processor based on wager inputs).

Regarding claim 23 and 35, the unselected ones of said plurality of winning outcomes receive a portion of wager inputs inputted at only the local one of said plurality of gaming terminals (column 15, lines 28-56, Xidos; the system processor removes the random number generated for the player when the player becomes ineligible for jackpot, even though the player was original eligible based on wager inputs at a particular gaming device and it would have been obvious at the time of invention that the wagers provided by players who became ineligible were contributed to the winning outcome or jackpot before ineligibility occurred).

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Regarding claim 45, the gaming terminal is located within a gaming establishment, said first collection including gaming terminals located only within said gaming establishment, said second collection including gaming terminals located outside said gaming establishment (column 4, lines 17-52 and column 8, lines 49-62, Xidos; different banks or groups of plural gaming terminals or top boxes are distributed throughout a number of different hotel establishments).

Regarding claim 46, the first collection includes only said gaming terminal and said second collection includes others of said plurality of linked gaming terminals (column 4, lines 17-52, column 8, lines 49-62 and Figs. 1 and 2, Xidos; different banks or groups of plural gaming terminals or top boxes are distributed throughout a hotel establishment where a bank or group includes at least one gaming terminal).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C US-5,885,158, Torango et al.

D US-6,217,448 B1, Olsen

E US-2001/0004607 A1, Olsen

F US-6,293,865 B1, Kelly et al.

G US-6,007,426, Kelly et al.

H US-2003/0224852 A1, Walker et al.

I US-6,503,146 B2, Walker et al.

J US-2002/0173355 A1, Walker et al.

K US-6,508,709 B1, Karmarkar

L US-2003/0092484 A1, Schneider et al.

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M US-4,837,728, Barrie et al..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur O. Hall whose telephone number is (571) 270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH *AA*
7/18/2007

GARY JACKSON
SUPERVISORY PATENT EXAMINER

Gary Jack